

Remarks

1. Summary of Office Action

In the final office action mailed September 9, 2005, the Examiner maintained the rejections of claims 1-10, 17-19, 21-29, and 31-40 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,447,150 (Maggenti), and the Examiner maintained the rejections of claims 11-16, 20, 30, and 41 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Maggenti and U.S. Patent No. 6,771,639 (Holden).

2. Status of the Claims

Applicant has amended claim 1 to correct a minor typographical error. Presently pending are claims 1-41, of which claims 1, 3, 12, 17, 26, and 36 are independent.

3. Response to § 102 Rejections Over Maggenti

Applicant submits that the Examiner has clearly erred in rejecting claims 1-10, 17-19, 21-29 and 31-40 as being anticipated by Maggenti, because the Examiner has not established that Maggenti teaches each and every element of any of these claims as would be required to support an anticipation rejection under M.P.E.P. § 2131.

In Applicant's previous response (filed July 5, 2005), Applicant pointed out the clear deficiencies of Maggenti in terms of Applicant's claim language. Yet, in the final office action, the Examiner did not address those particular deficiencies. Rather, the Examiner asserted that Maggenti teaches certain elements of Applicant's claims, but the Examiner did not dispute the particular deficiencies pointed out by Applicant.

For the undisputed reasons set forth in Applicant's previous response, Applicant maintains that Maggenti does not anticipate any of claims 1-10, 17-19, 21-29, and 31-40.

a. Claims 1-2

As Applicant pointed out in the previous response, Maggenti does not teach a network entity that carries out the functions recited in independent claim 1 (and required through dependency by claim 2). At a minimum, for instance, Maggenti does not teach a network entity (i) receiving a signaling message, (ii) extracting data that can be used by an application server to carry out a communication service in response to the signaling message, (iii) outputting *the signaling message* for transmission to the application server, and (iv) making the extracted data available for use by the application server. At best, in Maggenti, a CM receives a SIP INVITE from a CD and generates and sends to the CD a SIP 200 OK message containing session description information stored by the CM. The *response message* (200 OK) generated by the CM in that scenario is clearly not *the signaling message* received by the CM (or even another form of such a signaling message e.g., with an added via header or the like). It is an altogether different message. The Examiner has not disputed this point.

In the final office action, the Examiner noted that Maggenti teaches a user database at a CM, that Maggenti teaches setting up a communication session between CDs based on client requests, and that Maggenti teaches that "data from a data store (i.e. database) is utilized to facilitate communications." (See section 3.1 of the final office action). Yet these facts do not establish that Maggenti teaches Applicant's claimed invention.

For instance, the fact that Maggenti's CM references a user database (*see* Maggenti, at column 17, lines 14-26, cited by the Examiner) when setting up a communication session does not at all suggest having a network entity (even a CM, for instance) carry out Applicant's claim functions of "the network entity responsively extracting from a data store a set of data usable by an application server to carry out a communication service in response to the signaling message"

and "(i) outputting *the signaling message* for transmission over a network to the application server and (ii) making the set of data available for use by the application server in carrying out the communication service in response to the signaling message." (Emphasis added).

Because Maggenti does not teach all of the limitations of either of claims 1 and 2, Maggenti does not anticipate either of these claims.

b. Claims 3-10

As Applicant pointed out in the previous response, Maggenti does not teach a method that involves the set of functions recited in independent claim 3 (and required through dependency by claims 3-10). At a minimum, Maggenti does not teach receiving an initiation message indicative of a request by an entity to engage in a communication, responsively extracting data usable by an endpoint application to set up the session, and outputting *the session initiation message* for transmission to the endpoint application and making the set of data available for use by the endpoint application. At best, in Maggenti, a CM maintains a user profile database, and the CM generates and sends a *response* SIP message to a CD upon receipt of a SIP INVITE from the CD. Yet the act of the CM sending to a CD a *response* SIP message that contains session description information cannot constitute the claimed invention, because the CD is not the endpoint application to which *the session initiation message* is sent. The Examiner has not disputed this point.

In the final office action, the Examiner asserted that Maggenti teaches the claim limitation of "outputting the session [sic] initiation message for transmission to the endpoint application and making the set of data available for use by the endpoint application to set up the communication." (See section 3.2 of the final office action.) However, the sections of Maggenti that the Examiner cited in alleged support of this proposition teach merely that packets are routed

between the CM and CDs, that the CM includes session description information in its *response* message to the initiating CD, and that group communications are based on SIP and broadcast media signaling. None of these sections, or other aspects of Maggenti, teach the "outputting" and "making" elements of claim 3.

Because Maggenti does not teach all of the limitations of any of claims 3-10, Maggenti does not anticipate any of these claims.

c. Claims 17-19 and 21-25

As Applicant pointed out in the previous response, Maggenti does not teach a system that includes the functions recited in independent claim 17 (and required through dependency by claims 18-19 and 21-25). At a minimum, Maggenti does not teach a system that extracts data from a user-profile store in response to a session initiation message and makes that data available for use by an endpoint application to which the system sends the session initiation message that it receives. As explained above, the act of the CM sending to the CD a *response* SIP message that contains session description information cannot constitute the claimed function, because the CD is not the endpoint application to which the session initiation message is sent. Rather, the CD is only an endpoint to which a *response* SIP message (i.e., a SIP 200 OK message) is sent.

In the final office action, the Examiner asserted that Maggenti teaches the claim limitation of data-management logic executable by the processor "(i) to extract from the user-profile data a set of data usable by the endpoint application to facilitate setup of the communication session and (ii) to make the set of data available for use by the endpoint application in responding to the session initiation message."¹ (See section 3.4 of the final office action.) However, the sections of Maggenti that the Examiner cited in alleged support of this

¹ Applicant notes that the Examiner paraphrased Applicant's claim language, but Applicant assumes the Examiner meant to refer to the actual claim language.

proposition teach merely that a CM references a user data store, that group communications are based on SIP and broadcast media signaling, and that packets are routed between the CM and CDs. None of these sections, or other aspects of Maggenti, teach the data-management logic element of claim 17.

Because Maggenti does not teach all of the limitations of any of claims 17-19 and 21-25, Maggenti does not anticipate any of these claims.

d. Claims 26-29 and 31-35

As Applicant pointed out in the previous response, Maggenti does not teach an improved platform having the elements recited in independent claim 26 (and required through dependency by claims 27-29 and 31-35). At a minimum, Maggenti does not teach any platform that (i) receives a session initiation message and forwards the session initiation message along to an application server and (ii) extracts from a profile store data usable by the application server to facilitate performance of a service in response to the session initiation message and makes the data available for use by the application server to facilitate performance of the service. Although Maggenti teaches the endpoint CM application server extracting data from a database to facilitate carrying out a communication service, the CM application server cannot constitute a platform that sends the session initiation message to the CM application server, since the CM application server would not send a message to itself. Consequently, the disclosure of Maggenti cannot amount to the invention as recited in claim 26. The Examiner has not disputed this point.

In the final office action, the Examiner asserted that Maggenti teaches the claim limitation of data-management logic executable by the processor "(i) to extract from a profile store data usable by the application server to facilitate performance of the service and (ii) to make the data available for use by the application server to facilitate performing the service."

(See section 3.5 of the final office action.) However, the sections of Maggenti that the Examiner cited in alleged support of this proposition teach merely that a CM references a user data store, that group communications are based on SIP and broadcast media signaling, and that packets are routed between the CM and CDs. None of these sections, or other aspects of Maggenti, teach the data-management logic element of claim 26.

Because Maggenti does not teach all of the limitations of any of claims 26-29 and 31-35, Maggenti does not anticipate any of these claims.

e. Claims 36-40

As Applicant pointed out in the previous response, Maggenti does not teach a method that involves the combination of functions recited in independent claim 36 (and required through dependency by claims 37-40). Specifically, Maggenti does not teach a method that involves (i) receiving into a registration server a signaling message indicating that a user is online in a communication network, and (ii) the registration server responsively extracting from a data store a buddy-list designated for the user, and the registration server making the buddy-list available for use by an application server in setting up a communication for the user.

Rather, at best, Maggenti teaches that a CM receives a SIP INVITE from a CD and processes it to set up a PTT session, and Maggenti teaches that a CD has a list of nets and can update the list through communication with the CM. (See Maggenti, at column 21, lines 4-9; column 10, lines 33-40). Yet claim 36 recites a registration server carrying out the functions of receiving the message, extracting the data, and making the data available for use by the application server. It would be inconsistent and improper to conclude that the CM is the registration server for part of claim 36 (i.e., for purposes of receiving a message) but that the CD is the registration server for another part of claim 36 (i.e., for purposes of extracting data and

making the data available for use by an application server). The Examiner has not disputed this point.

In the final office action, when responding to Applicant's arguments, the Examiner asserted that Maggenti teaches the limitations of "receiving into a registration server a signaling message indicating that a user is online in a communication network" and "extracting from a data store a buddy-list designated for the user, . . . making the buddy-list available for use by an application server in setting up the communication." (Quotes by the Examiner; see section 3.6 of the final office action). However, the sections of Maggenti that the Examiner cited in alleged support of this proposition teach merely that a CM receives and processes SIP requests and may process multiple call-signaling connections in parallel, that a CD may contain or obtain a buddy-list, and that group communications are based on SIP and broadcast media signaling. None of these sections, or other aspects of Maggenti, teach the registration server functions recited in claim 36.

Furthermore, when responding to Applicant's arguments, the Examiner did not assert that Maggenti teaches a *registration server responsively* extracting the buddy-list from the data store and *the registration server* making the buddy-list available for use by the application server, as recited in claim 36. Rather, the Examiner only asserted that Maggenti teaches extracting a buddy list from a data store, and making the buddy-list available. Claim 36 recites that the registration server carries out these functions; claim 36 does not recite the functions in the abstract. The Examiner has not established that Maggenti teaches the functions *as recited in claim 36*.

(Applicant notes that, in the original rejection of claim 36, the Examiner asserted that Maggenti teaches the registration server carrying out these functions. However, the portions of Maggenti that the Examiner cited in alleged support of that proposition teach merely that a CM

receives and processes SIP requests and may process multiple call-signaling connections in parallel, and that a CD may contain or obtain a buddy-list, which can be updated during interactions with the CM. Again, these portions, like other portions of Maggenti, do not teach the functions recited in claim 36.)

Because Maggenti does not teach all of the limitations of any of claims 36-40, Maggenti does not anticipate any of these claims.

4. Response to § 103 Rejections Over Maggenti and Holden

Applicant submits that the Examiner has clearly erred in rejecting claims 11-16, 20, 30, and 41 as being obvious over a combination of Maggenti and Holden, because the Examiner has not established that the combination of Maggenti and Holden discloses or suggests each and every element of any of these claims as would be required to support an obviousness rejection under M.P.E.P. § 2143.

a. Claims 12-16

In Applicant's previous response, Applicant inadvertently stated that claim 12 depended from one of the claims rejected on anticipation grounds. Applicant notes that claim 12 is in fact an independent claim. However, Applicant submits that Maggenti fails to disclose or suggest the limitations of claim 12 for largely the same reasons noted above with respect to claim 17.

In the final office action, when responding to Applicant's arguments, the Examiner cited to only Maggenti and asserted that the referenced prior art discloses "...extracting from a data store a set of data usable by an application sever to set up the communication..." and "...processing the initiation message in the application server and making the set of data available for use by applications server...." (Quotes by the Examiner; see section 3.3 of the final office action.) Applicant notes, however, that claim 12 does not include the language

"...processing the initiation message in the application server and making the set of data available for use by applications server" recited by the Examiner. Further, the portions of Maggenti that the Examiner cited in alleged support of the Examiner's proposition teach merely that a CM references a user data store, that group communications are based on SIP and broadcast media signaling, that a CM receives and processes SIP requests and may process multiple call-signaling connections in parallel, and that packets are routed between the CM and CDs. None of the cited portions, or other aspects of Maggenti, teach the extracting, forwarding, and making elements of claim 12.

Further, Applicant submits that the secondary Holden reference fails to make up for the deficiency of Maggenti. At best, Holden teaches that a user device can send a SIP INVITE that includes "cover data" defining an announcement, and that the recipient device can present that announcement to a called party so the called party can learn something more about the call than just the calling number. Yet the disclosure of Holden does not make up for the above discussed deficiency of Maggenti. Further, the Examiner has not pointed to any disclosure in Holden that makes up for that deficiency. Consequently, the Examiner has not established a *prima facie* case of obviousness of claim 12 over a combination of Maggenti and Holden.

Claims 13-16 depend ultimately from claim 12 and thus incorporate the limitations of claim 12. For at least the same reasons, Applicant therefore submits that the Examiner has also not established a *prima facie* case of obviousness of any of claims 13-16 over a combination of Maggenti and Holden.

b. Claims 20, 30, and 41

Each of claims 20, 30, and 41 depends ultimately from one of the independent claims discussed above. For the reasons discussed above, Maggenti fails to disclose the invention as

recited in any of the independent claims. Further, Applicant submits that Holden fails to make up for the deficiency of Maggenti.

At best, Holden teaches that a user device can send a SIP INVITE that includes "cover data" defining an announcement, and that the recipient device can present that announcement to a called party so the called party can learn something more about the call than just the calling number. Yet the disclosure of Holden does not make up for the above discussed deficiency of Maggenti. Further, the Examiner has not pointed to any disclosure in Holden that makes up for that deficiency. Consequently, the Examiner has not established a *prima facie* case of obviousness of any of claims 20, 30, and 41 over a combination of Maggenti and Holden.

5. Conclusion

In view of the foregoing, Applicant submits that all of the pending claims 1-41 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and notice to that effect.

Note Regarding Information Disclosure Statement

Applicant respectfully requests the Examiner to initial reference-number 29 on the Form PTO-1449 that Applicant filed on November 7, 2003, and to mail a new copy of the fully-initialled form to Applicant.

Note about "Notice of References Cited"

Together with the final office action, the Examiner provided a "Notice of References Cited," which lists references A through E. Applicant notes that reference D is the published version of the present patent application, U.S. Patent Application Pub. No. 2003/0149774. To

avoid any confusion by citing the present application against itself, Applicant respectfully requests the Examiner to remove the published patent application (reference D) from the list of references cited. Should the Examiner wish to discuss this or any other matter, the Examiner is welcome to call the undersigned at (312) 9130-2141.

Respectfully submitted,

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